

**ANNUAL REPORT
To the Commissioner
Department of Environmental Protection
July 1, 2000 -- June 30, 2001
FY 2001**

I. Introduction

The Board of Underground Storage Tank Installers was established in 1985 by 32 MRSA Chapter 104-A and its authorities expanded and modified by subsequent amendments in 1987, 1989, 1990, 1992, 1997, and 2001. According to the statute, the purpose of the Board is as follows:

"In order to safeguard the public health, safety and welfare, to protect the public from incompetent and unauthorized persons, to assure the highest degree of professional conduct on the part of underground oil storage tank installers and to assure the availability of underground oil storage tank installations of high quality to persons in need of those services, it is the purpose of this chapter to provide for the regulation of persons offering underground oil storage tank installation services."

Thus, the Board has three major responsibilities: (1) certifying underground oil tank installers, underground gasoline tank removers, and underground oil storage tank inspectors; (2) managing and accrediting continuing education for certified underground tank installers, removers, and inspectors; and (3) taking disciplinary actions against installers, removers, and inspectors who violate its enabling statutes and rules. By law, the Board is also charged with submitting an annual report to the Commissioner of the Department of Environmental Protection (32 MRSA §10004(6)). This report is designed to fulfill that mandate for FY 2000/01. It covers the following major subject areas:

- Membership and Staffing;
- New Certifications and Testing;
- Recertification and Continuing Education;
- Processing of Complaints;
- Rulemaking and Program Development;
- Newsletter;
- Data Management; and
- Financial Statement

II. Membership and Staffing

Members of the Board are as follows:

- Raymond Poulin, chair (Maine Fire Chief Association) - Term expires 12/31/2002.
- Wayne Gifford, (Maine Oil Dealers' Association) - Term expired 12/31/2000.¹
- William Carver, (Certified Installer) - Term expires 12/31/2001.
- Roger Lewis, (Public Member) - Term expires 12/31/2001.
- George Seel, (DEP) - Term expires 12/31/2002.
- (Vacant) (Maine Oil and Solid Fuel Board) - Term expires 12/31/2001.
- (Vacant) (Me. Chamber of Commerce) - Term expires 12/31/2001.

The seat historically held by a member of the Maine Oil and Solid Fuel Board, the Plumber's Examining Board, or the State Board of Certification for Geologists and Soil Scientists remains vacant after over two years. As a result, recent legislation (P.L. 2001, Chapter 231, Section 6) amended the Board's enabling statute to make this seat one for a public member. We anticipate appointment soon after the law becomes effective.

Likewise, a representative of the Maine Chamber of Commerce and Industry has not been nominated. We are unclear about whether or not the Chamber remains interested in a seat on the Board.

We understand the Governor's Office is considering candidates for the Maine Oil Dealers' Association appointment. Mr. Gifford graciously continues to serve until a replacement is found.

James Hynson and Theresa Scott continued to provide staffing to the Board. Staff provided additional sporadic support from the Department of Environmental Protection, including W. David McCaskill, Diana McLaughlin, Beth DeHaas, Butch Bowie, Tim Rector, Jeffrey Kalinish, and Ted Scharf. Dennis Harnish provided support from the Office of the Attorney General.

III. New Certifications and Testing

This section includes discussions on (A) number of installers certified, (B) written exams, (C) on-site exams, (D) upgrades, and (E) apprenticeships.

A. Number of Installers Certified

The number of certified installers is 113² compared to 117 that were certified at the end of FY 1999/2000. At present, this includes 110 who hold Class 2 Oil Tank Installer Certificates, and three (3) Class 3 Oil Tank Installers. Eight (8) elected not to apply for recertification once their old certificates expired, the Board granted one new certificate, the Board refused to renew one certificate, and reinstated several certificates which had expired.

There is one (1) underground gasoline tank remover in Maine. A second elected to allow his certificate to lapse this year.

¹ Mr. Gifford completed the maximum number of terms allowed by law as of December 31, 2000. He is continuing to serve until a replacement is found pursuant to the Board's enabling statute.

² Including one installer under suspension.

With demand for underground tank installation declining as a result of the State's deadline for tank replacement passing, we anticipate the population of installers to continue to decline. A need for trained individuals will remain, however, to accomplish maintenance work and conduct inspections. Recent legislation established a certification program for underground oil tank inspectors, which will be administered by the Board.

B. Written Exams

One individual took and passed the final examination for Class 2 underground tank installer on March 29, 2001 after obtaining a variance from the apprenticeship requirement. Therefore, he became certified as an underground tank installer. Because of limited demand for examinations, they are being scheduled for individual applicants as those applicants indicate their desire for examination.

Because of the lack of demand for testing, very little effort was expended updating examinations. Several of the documents used in the examination have been revised. As a result, a process of updating examinations will be necessary if and when demand increases for examinations.

C. On-Site Exams

The 1990 amendments to the Board's enabling legislation and rules eliminated the need to conduct on-site examinations for applicants for oil tank installer certificates. While on-site exams remain required for underground gasoline tank removers, no applicants for underground gasoline tank remover certificates took the written examination in FY 2000/01, and thus none were eligible for the on-site examination.

D. Upgrades

No Class 3 Underground Tank Installers completed apprenticeship requirements and passed the final examination to be upgraded to Class 2 Underground Tank Installers in FY 2000/01.

E. Apprenticeships

With the passing of Maine's deadline for tank replacement in October 1997, the requirement for six (6) apprentice installations has become considerably more difficult since the availability of new installation work declined appreciably. No apprentices qualified for the final examination last year and none of the previously certified apprentices appear to be interested in remaining active.

F. Variances

The 1990 amendments to the Board's enabling legislation instituted a variance process for individuals to obtain variances for the apprenticeship portion of the certification process (32 MRSA §10010.3-A.D; 06-481 CMR c. 3 §4.D). During FY 2000/01, the Board granted one variance to an individual who demonstrated he had field experience at least as extensive as what would be required in an apprenticeship program. The individual subsequently passed the final examination and became certified.

IV. Recertification and Continuing Education

Eighteen (18) installers were granted full renewal certificates while eight (8) did not reapply. Three previously expired certificates were reinstated.

Continuing education programs accredited by the Board in FY 2000/01 generally applicable to all installers are listed in Table 1. The Board approved a total of 71 credit hours from both program sponsor and individual installer applicants.

Program	Sponsor	Date Approved	Credit Hours
Fall 2000 Installer Education	Maine Oil Dealers Assoc.	October 20, 2000	4
8-Hr. Hazardous Waste Refresher	Haz-Mat Environmental/C. Black	January 19, 2001	2
API's Operation Underground; Installation	API, Valeen Young	January 19, 2001	3
API's Operation Underground; Removal	API, Valeen Young	January 19, 2001	2
40-Hr. Haz Material Hazwoper	Burgess & Associates	January 19, 2001	8
8-Hr. Haz. Material Hazwoper	Burgess & Associates	January 19, 2001	2
40-Hr. Hazardous Waste Operations	Safety Communications Corp.	January 19, 2001	8
8-Hr. Hazardous Waste Refresher	Safety Communications Corp.	January 19, 2001	2
Pisces Piping System Installation	OPW Fueling Com, D. Gillispie	January 19, 2001	2
Environ Contractor Training	Environ Products, Marc Avallone	January 19, 2001	2
A Guide to UST Inspection, Operation	PIM Enterprises	February 16, 2001	6
Introduction to Installation of Aboveground Storage Tanks & Piping at Motor Fueling Facilities	PIM Enterprises	February 16, 2001	2
How to Install Underground Fuel Storage Tanks and Piping II	PIM Enterprises	February 16, 2001	6
A Contracts Guide to UST Closures	PIM Enterprises	February 16, 2001	2
Introduction to Stage II Vapor Recovery	PIM Enterprises	February 16, 2001	2
Proper Installation of Ameron Series 300L & 3000LCX Fiberglass Pipe for Primary & Secondary Containment of Petroleum Products	Chuck Krouse, Eastern States	March 16, 2001	2
8-Hr. Haz-Mat Refresher Training	B. Bentham, CAB Services	March 16, 2001	2
40-Hr. Hazardous Waste Operations	SafeTech Consultants	June 1, 2001	8
8-Hr. Hazardous Waste Operations	SafeTech Consultants	June 1, 2001	2
8-Hr. Supervisory Training	SafeTech Consultants	June 1, 2001	2
16-Hr. Hazwoper Refresher	Dead River Co, Leslie Anderson	June 1, 2001	2

Table 1. Continuing education opportunities accredited by the Board of Underground Storage Tank Installers FY 2000/01.

V. Processing of Complaints

Disciplinary actions involving nine (9) investigations and eleven (11) alleged violations were processed and resolved in FY 2000/01, including four (4) investigations held over from 1999/2000. A summary of the Board's actions in these matters is presented in Appendix A. One (1) investigation required a hearing to resolve, three (3) were settled with Consent Agreements, one (1) was withdrawn,

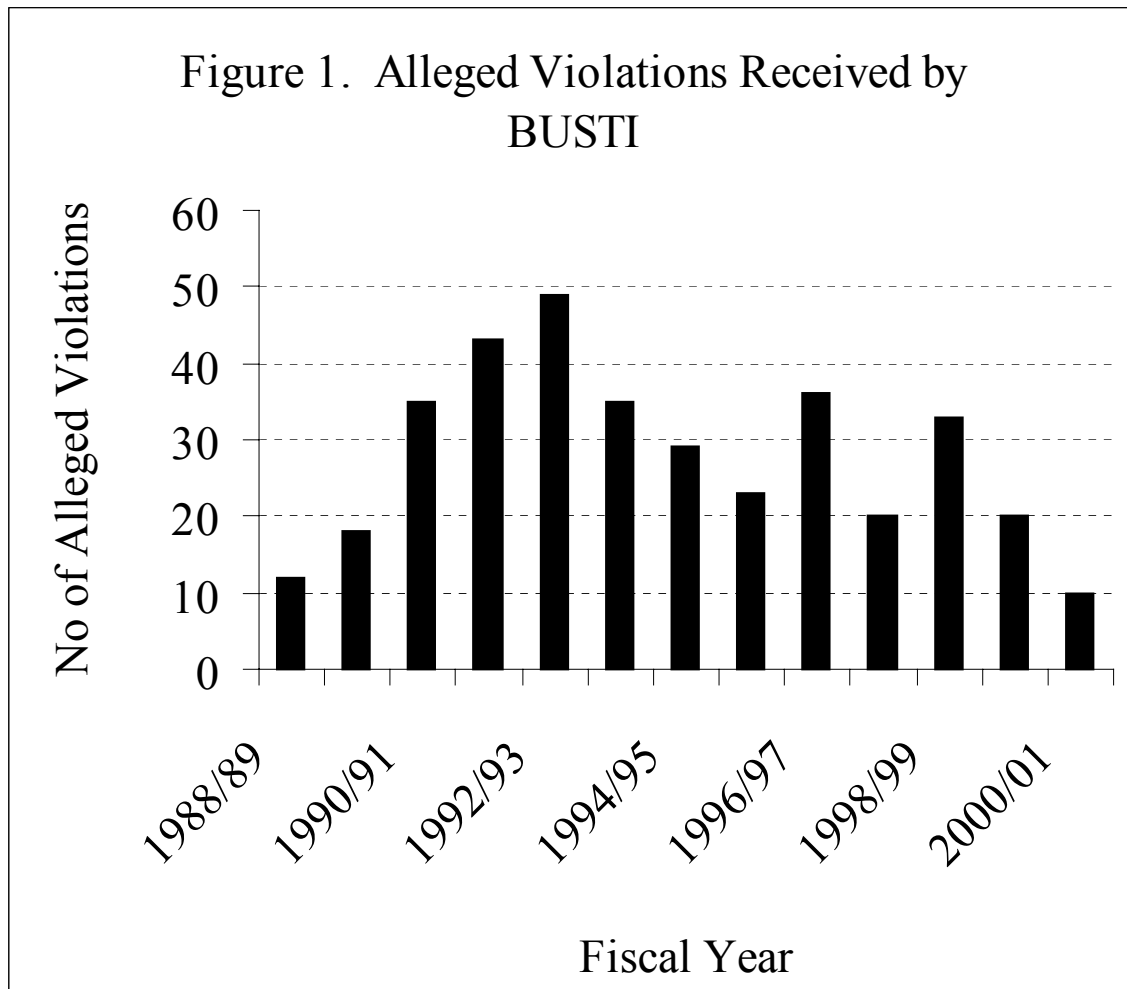
three (3) required the Board to issue an order after installers failed to avail themselves of their right to a hearing, and one (1) rendered moot since the installer allowed his certificate to lapse.

Seven (7) complaints involving ten (10) alleged violations were received in FY 2000/01. Investigations that remain unresolved at the end of the year are listed in Table 2.

Principle Violation	Year	No.	Date Received
06-096CMR691App.E.1	2001	5	05/01/2001
06-096CMR691(4)(B)	2001	7	06/21/2001
06-096CMR691App.E.5	2001	7	06/21/2001
06-096CMR691(5)(B)(1)(a)	2001	7	06/21/2001
06-096CMR691App.D.1	2001	7	06/21/2001

Table 2. Maine Board of Underground Storage Tank Installers ongoing enforcement actions as of June 30, 2001.

Figure 1 shows the number of alleged violations investigated by the Board and its staff since promulgation of the Board's rules in August 1988. This graph indicates a decline from last year with a value equivalent to the year before and consistent with the range of alleged violations received on a long term basis.



VI. Rulemaking and Program Development

We did not engage in rulemaking this year. Although we still need to amend the rules for certifying underground gasoline tank removers to make them consistent with legislation allowing on-site examinations to be conducted on fuel oil tanks, lack of demand for the remover certificate reduces the importance of accomplishing this rulemaking.

The 120th Maine Legislature, first session passed a law that provided the Board with authority to certify inspectors of underground storage tanks. Previously, two studies by the Maine Department of Environmental Protection indicated a need to strengthen the State's program for inspecting existing underground storage facilities.

Public Law 2001, Chapter 231 both gave the Board authority to certify inspectors and provided the Department with a reporting requirement for owners and operators to document inspections of underground storage facilities. We anticipate needed activities to include rulemaking, application and examination development, database construction, and finally, certification of inspectors. The enabling legislation requires owners and operators to have documented the first of ongoing annual inspections by July 1, 2003. Our goal is to provide the opportunity for applicants to become certified as inspectors in time for them to respond to these owner/operator requirements of documenting inspections.

VII. Newsletter

One of the initial benefits of certification of installers was the development of ability by the State to communicate with installers via a newsletter. One issue of "The Maine Installer" was published during FY 2000/01. The newsletter appears to be well received whenever it can be published.

VIII. Data Management

We continue to use the databases developed previously in Microsoft EXCEL for our data management needs. While a draft Microsoft ACCESS database was developed, it was never implemented because the Department decided to go forward with plans to incorporate installer data into its ORACLE database of underground tank registrations. We await the completion of this effort.

A home page on the Internet which includes the Board's application forms, a list of certified individuals, a description of the Board's program, and past newsletters, meeting minutes, and approved continuing education is completed and undergoing ongoing maintenance.

IX. Financial Statement

The Board's financial statement for FY 2000/01 is provided in Table 3. For the first year, revenues of the Board have their own budget categories in the State system and thus actual values, as entered by the Agriculture, Conservation, and Environmental Protection (ACE) Service Center are provided.

Income shown for recertification varies widely on a biennial basis. Recertification is required every two (2) years, and thus income for this year reflects the vast majority of tank installers becoming recertified this year. It is therefore expected that this figure will follow two (2) year cycles of being high and low, with this year a high year.

Respectfully Submitted,

Raymond Poulin, Chairman,

Income	\$5,415.00
Expenses:	(\$)
Personal Services	\$72,258.00
Fringe	\$27,398.75
Longevity/Overtime	\$ 1,472.96
Other	\$ 5,884.55
Subtotal	\$107,014.26
Grand Total³	-\$101,599.26

Table 4. Financial statement for the Board of Underground Tank Installers, July 1, 2000 through June 30, 2001.

³Pursuant to 32 MRSA Sec. 10012.2, all fees and expenses of the Board of Underground Storage Tank Installers are deposited into and paid out of the Ground Water Oil Cleanup Fund. Thus, shortfalls of the Board are made up from other revenue sources from the Fund.

Maine Board of Underground Storage Tank Installers
Summary of FY 2000/01 Enforcement Actions (By Violation)

Alleged Violation	Year	No.	Date Received	Action Date	Board Action	Result	Fine	(Days) Susp.	Days Probation	Other	Date Closed
38 MRSA566-A(1)	2001	3	11/28/2000	03/16/2001	CA	CA				Reprimand	03/16/2001
38 MRSA566-A(1)	2001	4	01/19/2001	03/16/2001	CA	CA	\$800				03/16/2001
06-481CMR1.4.B(1)	2000	9	04/14/2000			License Expired					07/21/2000
06-481CMR1.4.B(1)	2000	10	05/08/2000	10/20/2000	Reject CA	Order				Refuse to Renew	10/20/2000
06-481CMR1.4.B(1)	2000	11	04/28/2000	07/21/2000	CA	CA	\$250		180	Ed	08/03/2000
06-481CMR1.4.B(1)	2001	2	10/06/2000	11/17/2000	CA	Order	\$250		180	Ed. And recert fee	11/17/2000
06-096CMR691App.E.1	2001	6	05/21/2001	05/29/2001		Withdrawn					05/29/2001
06-096CMR691(6)(B)(5)(iii)	2000	12	06/16/2000	09/15/2000	Hearing	Order		90		Cons-ecutive	09/15/2000
06-096CMR691(6)(B)(3)	2000	12	06/16/2000	09/15/2000	Hearing	Order		90		Cons-ecutive	09/15/2000
06-096CMR691(6)(B)(3)	2001	1	09/05/2000	11/17/2000	CA	Order	\$750	90			11/17/2000
06-096CMR691(6)(B)(2)	2000	12	06/16/2000	09/15/2000	Hearing	Order		90		Cons-ecutive	09/15/2000